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REMARKS/DISCUSSION OF ISSUES

Priority Claim. The Applicant thanks Examiner Ng for acknowledging the claim for priority and receipt of certified copies of all the priority documents.

Specification. The Applicant has amended the specification herein to correct typographical and formatting errors. No new matter was introduced by the amendment of the specification herein.

Drawings. The Applicant has amended drawing sheet 3/5 herein to correct typographical errors. No new matter was introduced by the amendment of the drawing sheet 3/5 herein.

Claims. In the Non-Final Office Action, Examiner Ng objected to and rejected pending claims 1-11 on various grounds. The Applicant responds to each objection and rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Examiner Ng rejected claim 5 under 35 U.S.C. §112, ¶2 as being indefinite

The Applicant has cancelled claim 5 without prejudice or disclaimer to the subject matter of claim 5. Withdrawal of the rejection of claim 5 under 35 U.S.C. §112, ¶2 as being indefinite is therefore respectfully requested.

- B. Examiner Ng rejected claims 1, 4-7, 10 and 11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,374,099 to *Bi et al.*

The Applicant has thoroughly considered Examiner Ng's remarks concerning the patentability of claims 1, 4-7 and 10 over *Bi*. The Applicant has also thoroughly read *Bi*. To warrant this anticipation rejection of claims 1, 4-7 and 10, *Bi* must show

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each and every limitation of independent claim 1 in as complete detail as in contained in independent claim 1. *See* MPEP §2131. The Applicant respectfully traverses this anticipation rejection of claims 1, 4-7 and 10, because *Bi* fails to disclose and teaches away from "in the further transmission of a reservation request received at least once by the base station depends on at least a further persistency probability" as recited in independent claim 1.

Specifically, *Bi* teaches a block 84 (FIG. 5) and a block 102 (FIG. 6) for whether a number, if dialed, should be in dependence of a first persistency probability during a block 86 (FIG. 5), and a block 104 (FIG. 6), respectively, if the number is a non-emergency number, or in dependence of a second persistency probability during a block 88 (FIG. 5) and a block 118 (FIG. 6), respectively, if the number is an emergency number. *Bi* teaches this determination by block 84 and block 102 is exclusively a function of whether the number is an emergency number or a non-emergency number. *See*, *Bi* at column 7, lines 1-28; and column 8, line 47 to column 9, line 43. As such, if a number is a non-emergency number, then that non-emergency number can be only dialed in dependence of the first persistency probability irrespective on how many times the non-emergency number is dialed. Conversely, if a number is an emergency number, then that emergency number can be only dialed in dependence of the second persistency probability irrespective on how many times the emergency number is dialed. *Bi* therefore teaches away from a first dialing of a number, non-emergency or emergency, in dependence of the first persistency probability and then an additional dialing of that same number in dependence of the second persistency probability.

While the Applicant respectfully traverses this anticipation rejection of claims 1, 4-7 and 10 as shown above, the Applicant has cancelled claims 1, 4-7 and 10 herein without prejudice and disclaimer to the subject matter of claims 1, 4-7 and 10 herein, and added new claims 12-31. The Applicant respectfully asserts that *Bi* and the remaining art of record, alone or in combination, fail to disclose, teach or suggest the following limitation combinations of new independent claims 12, 28 and 30 for the same reason herein *Bi* and the remaining art of record, alone or in combination, fail to disclose, teach or suggest the aforementioned limitation of claim 1:

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1. "wherein, subsequent to a transmission of the first reservation request for the first time by the terminal to the base station, the terminal is further operable to transmit the first reservation request for at least one additional time to the base station in dependence on at least one further persistency probability" as recited in independent claim 12;
2. "means, subsequent to a transmission of the first reservation request for the first time by the terminal to the base station, for transmitting at least one of a second persistency probability and a fourth persistency probability to the terminal whereby the terminal is further operable to transmit the first reservation request for a second time in dependence of one of the second persistency probability and the fourth persistency probability" as recited in independent claim 28; and
3. "means, subsequent to a transmission of the first reservation request for the first time by the terminal to the base station, for transmitting the first reservation request for a second time in dependence of at least one of a second probability and a fourth probability" as recited in independent claim 30.

Withdrawal of the rejection of claims 1, 4-7 and 10 under §102(e) as being anticipated by *Bi* is therefore respectfully requested, and allowance of claims 12-31 are therefore respectfully requested.

- C. Examiner Ng rejected claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,374,099 to *Bi* et al. in view of U.S. Patent No. 6,621,087 to *Jung* et al.

The Applicant has cancelled claims 2 and 3 without prejudice or disclaimer to the subject matter of claims 2 and 3. Withdrawal of the rejection of dependent

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claims 2 and 3 under 35 U.S.C. §103(a) being unpatentable over *Bi* in view of *Jung* is therefore respectfully requested.

- D. Examiner Ng rejected claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,374,099 to *Bi* et al. in view of U.S. Patent No. 6,078,572 to *Tanno* et al.

The Applicant has cancelled claim 9 without prejudice or disclaimer to the subject matter of claim 9. Withdrawal of the rejection of dependent claim 9 under 35 U.S.C. §103(a) being unpatentable over *Bi* in view of *Tanno* is therefore respectfully requested.

- E. Examiner Ng has objected to claim 8 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim

The Applicant has cancelled claim 8 without prejudice or disclaimer to the subject matter of claim 8. The Applicant hereby reserves the right to add new claims directed to the subject matter of claim 8.

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SUMMARY

Examiner Ng's objection and rejections of pending claims 1-11 have been obviated by the cancellation herein of claims 1-11. The Applicant has supported an allowance of new claims 12-31 over the art of record. The Applicant respectfully submits that new claims 12-31 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Ng is respectfully requested to contact the undersigned at the telephone number listed below.

Dated: March 14, 2004

Respectfully submitted,
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